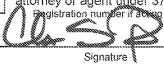


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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2009		RCI001v1	
<i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>			
Application Number 09/287,478		Filed 4/6/1999	
For Reply to Notification of Non-Compliant Appeal Brief			
Art Unit 2128		Examiner Thai Phan	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$480	\$245	\$ 245 _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input checked="" type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input type="checkbox"/> attorney or agent of record. Registration Number _____ <input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 _____ Signature		1/12/2009 _____ Date	
Christian S. Rode _____ Typed or printed name		781-899-4322 _____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(b)		Docket Number (Optional) RCI001v1
In re Application of Christian S. Rode		
Application Number 09/287,478	Filed 4/6/1999	
For Reply to Notification of Non-Compliant Appeal Brief		
At: Unit 2128	Examiner Thai Phan	

This is a request for an extension of time of 2 months (days), (weeks), (months) under 37 CFR 1.136(b) in this pending application. An extension of time is not available in this application under the provisions of 37 CFR 1.136(a); however, additional time to respond may still be granted under the patent statute. The petition fee under 37 CFR 1.17(g) is required. The reasons for requesting the extension of time are the following:

(This petition is being filed with payment of a fee equal to the difference between 1 and 2 months of extension, on the assumption that the fee structure of 1.136(a) is applicable for extensions of time in appeal brief proceedings)

This request stems from two causes: the first month was due to continuing difficulty understanding the precise changes required by Examiner to achieve Appeal Brief admissibility, due to Examiner's verbal parsimony and due to some ambiguity in the MPEP about when Information Disclosure Statement fees are required.

The second month of extension is requested because a Rule 1.181 petition is pending, the outcome of which affects the admissibility of certain arguments in the Appeal Brief.



 Signature

Christian S. Rode

 Typed or printed name

Applicant

 Title

1/12/2010

 Date

 Registration Number

781-899-4322

 Telephone Number

All information on this form or its contents is unclassified unless otherwise indicated. Information disclosed hereunder is controlled under E.O. 13526, which requires that certain information be protected from unauthorized disclosure. This information may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). The information is provided for your internal use only and is not to be released to the public without prior approval of the originating agency. If you are a contractor, you must ensure that this information is handled in accordance with the applicable security requirements. If you are a government employee, you must ensure that this information is handled in accordance with the applicable security requirements. If you are a member of the public, you must ensure that this information is handled in accordance with the applicable security requirements.

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